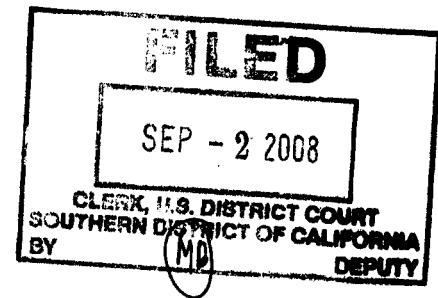


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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)	Magistrate Case No. 08MJ2537
12 Plaintiff,)	STIPULATION OF FACT AND JOINT
13 v.)	MOTION FOR RELEASE OF
14 JON RALPH DIBBLE,)	MATERIAL WITNESS(ES) AND
15 aka Jon Ralph Lara Dibble,)	ORDER THEREON
16 Defendant.)	(Pre-Indictment Fast-Track Program)

17 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
 18 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and
 19 Gregory F. Noonan, Assistant United States Attorney, and defendant JON RALPH DIBBLE, aka Jon
 20 Ralph Lara Dibble, by and through and with the advice and consent of defense counsel,
 21 Kris J. Kraus, Federal Defenders of San Diego, Inc., that:

22 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing
 23 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,
 24 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead
 25 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count
 26 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.
 27 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

28 //

GFN:psd:8/19/08

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
 2 provide the signed, original plea agreement to the Government not later than five business days
 3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
 5 before **September 17, 2008**.

6 4. The material witnesses, Maria Guadalupe Garcia-Tolento and L.G.G.T., a female
 7 juvenile, in this case:

8 a. Are aliens with no lawful right to enter or remain in the United States;
 9 b. Entered or attempted to enter the United States illegally on or about
 10 August 15, 2008;

11 c. Were found in a vehicle driven by defendant at the Tecate, California Port of
 12 Entry (POE) and that defendant knew or acted in reckless disregard of the fact that they were aliens
 13 with no lawful right to enter or remain in the United States;

14 d. Were paying \$3,500 to others to be brought into the United States illegally
 15 and/or transported illegally to their destination therein; and,

16 e. May be released and remanded immediately to the Department of Homeland
 17 Security for return to their country of origin.

18 5. After the material witnesses are ordered released by the Court pursuant to this
 19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
 20 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
 21 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

22 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
 23 substantive evidence;

24 b. The United States may elicit hearsay testimony from arresting agents
 25 regarding any statements made by the material witness(es) provided in discovery, and such testimony
 26 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
 27 of (an) unavailable witness(es); and,

28 Stipulation of Fact and Joint Motion for Release of
 Material Witness(es) And Order Thereon in
 United States v. Jon Ralph Dibble



08MJ2537

5 6. By signing this stipulation and joint motion, defendant certifies that defendant has
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
7 further that defendant has discussed the terms of this stipulation and joint motion with defense
8 counsel and fully understands its meaning and effect.

9 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
10 immediate release and remand of the above-named material witness(es) to the Department of
11 Homeland Security for return to their country of origin.

12 It is STIPULATED AND AGREED this date.

13 || Respectfully submitted,

14 KAREN P. HEWITT
United States Attorney

16 Dated: 9/2/08

18 Dated: 8/28/08

20
21 Date: 8/28/08

GREGORY F. NOONAN
Assistant United States Attorney

KRIS J. KRAUS
Defense Counsel for DIBBLE

JON RALPH DIBBLE
Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness(es) be released and remanded

forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 9/2/08


Barbara J. Major
United States Magistrate Judge